

Petriman, Viorica

From: Hollinger, Jacob
Sent: Tuesday, January 29, 2013 3:10 PM
To: Siegel, Joseph; McHale, Mary
Cc: Riva, Steven; Eng, Ken
Subject: time sensitive PSD / T5 permitting issue

Privileged Attorney-Client Communication / FOIA Exempt

[REDACTED]

Ex. 5: Attorney-Client/Work Product/Deliberative
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LINDABURY
McCORMICK, ESTABROOK & COOPER, P.C.
Attorneys at Law

dpierce@lindabury.com

January 24, 2013

(Via Email and Federal Express)

Mr. Scott E. Sheeley
New York Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 East Avon-Lima Road
Avon, NY 14414-9516

Re: **Permit Reinstatement**
Title V- DEC ID 8-5736-00004/00013
Title IV- DEC ID 8-5736-00004/00014
AES Eastern Energy, LP – AES Greenidge, LLC to GMMM Greenidge, LLC
Town of Torrey, Yates County

Dear Mr. Sheeley:

As you may recall, this Firm represents GMMM Greenidge, LLC in connection with its acquisition of the Greenidge power generating facility in the Town of Torrey, Yates County, New York from AES Greenidge, LLC. The approval of the transfer of the SPEDS Permit for Greenidge Station, SPDES Permit #NY-0001325, from AES Greenidge, LLC to GMMM Greenidge, LLC was previously approved by the Department as evidenced by your letter of January 15, 2013 to the undersigned.

In connection with this transfer, it was contemplated that the Greenidge facility was being purchased for scrap and salvage only; there was no thought of reopening that facility for operation. Accordingly, AES Greenidge, LLC submitted correspondence dated November 28, 2012 surrendering, or relinquishing, the following air permits:

- 1) Title V-DEC ID 8-5736-00004/00013; and
- 2) Title IV –DEC ID 8-5736-00004/00014.

The Department accepted the surrender of these permits by letter dated December 19, 2012 addressed to Peter Norgeot, President of AES Greenidge, LLC. A copy of this letter is enclosed for your reference.

Subsequent to the acquisition of the Greenidge facility by GMMM Greenidge, LLC, we have discovered that there is substantial interest in reopening that facility to generate power using a combination of coal and other supplemental fuel sources. My client has engaged in numerous discussions with DEC personnel regarding this possibility and everyone involved, including local officials, is supportive of this proposal as it would retain much needed job opportunities in, and provide tax revenue for, the local area.

As a result, we are requesting that the Department rescind the surrender/termination of the Title IV and Title V Air Permits listed above and approve the transfer of those permits to GMMM Greenidge, LLC. This will give GMMM Greenidge LLC a meaningful opportunity to attempt to return this facility to productive use.

Please advise if the Department requires any further information, including, but not limited to a formal Permit Transfer Application, and I will do my best to provide that information to you. Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

LINDABURY, MCCORMICK, ESTABROOK & COOPER, P.C



David R. Pierce

DRP:pdp
Enclosure

c: B. Constantakes, Office of General Counsel, DEC Albany
L. Bracci, Regional Attorney, DEC Region 8
T. Marriott/D. Walsh, Division of Air Resources, DEC Region 8
C. Hogan, Division of Environmental Permits, DEC Albany
✓ S. Riva, Chief – USEPA – Region 2 – Permitting Section, Air Programs Branch
DEC – Fee Billing Unit
Anthony Frassetto, GMMM Greenidge, LLC
Vinnie Allison

New York State Department of Environmental Conservation

Environmental Permits, Region 8

6274 East Avon-Lima Rd, Avon NY 14414-9516

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

December 19, 2012

Peter Norgeot, President
AES Greenidge LLC
AES Eastern Energy
130 East Seneca Street, Suite 505
Ithaca, New York 14850

Regarding: Permit Relinquishment

Title V - DEC ID 8-5736-00004/00013

Title IV - DEC ID 8-5736-00004/00014

AES Eastern Energy LP - AES Greenidge LLC

Town of Torrey, Yates County

Dear Mr. Norgeot:

The New York State Department of Environmental Conservation (DEC) has received your letter dated November 28, 2012 regarding the permanent shutdown and pending demolition of the AES Greenidge Station in the Town of Torrey, Yates County.

Your submission has satisfied the requirements listed in 6 NYCRR Part 621 [Section 621.11(d)] for permit relinquishments. Therefore, in accordance with 6 NYCRR Section 621.11(e), this letter constitutes written verification of the Department's concurrence with relinquishment of the above-referenced permits. We have also withdrawn the active application to renew and modify the Title V and Title IV Permits received May 4, 2012, and have discontinued the previously SAPA-extended Title IV and Title V Permits.

The Title IV and Title V Permits referenced above are no longer in effect.

Please contact me at this office at (585) 226-5382 if you have any questions regarding this letter.

Sincerely,

Scott E. Sheeley
Regional Permit Administrator

Cc: B. Constantakes, Office of General Counsel, DEC Albany (w/incoming)
L. Bracci, Regional Attorney, DEC Region 8 (w/incoming)
T. Marriott/D. Walsh, Division of Air Resources, DEC Region 8 (w/incoming)
C. Hogan, Division of Environmental Permits, DEC Albany (w/incoming)
S. Riva, Chief - USEPA - Region 2 - Permitting Section, Air Programs Branch (w/incoming)
DEC - Fee Billing Unit (letter only)